

UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF ILLINOIS

TYRONE ROSS, individually and as class  
representative on behalf of a class of  
similarly situated persons,

Plaintiff,

v.

GIBCO MOTOR EXPRESS, LLC,

Defendant.

Case No. 12-cv-184-JPG

**MEMORANDUM AND ORDER**

This matter comes before the Court on consideration of the amended complaint filed by plaintiff Tyrone Ross (Doc. 15). In an order dated March 8, 2012 (Doc. 6), the Court noted several defects in the plaintiff Tyrone Ross's complaint – namely, the failure to allege the citizenship of each member of defendant Gibco Motor Express, LLC and the failure to allege his own citizenship – and directed Ross to file an amended pleading that complied with Local Rule 15.1. On March 26, 2012, Ross filed an amended complaint (Doc. 15). The amended complaint, however, still does not allege Ross's citizenship and contains an additional flaw:

- **Failure to allege the citizenship of a corporation.** A corporation is a citizen of both the state of its principal place of business and the state of its incorporation. 28 U.S.C. § 1332(c)(1). The relevant pleading must affirmatively allege the specific states of incorporation and principal place of business of a corporate party. Dismissal is appropriate if a plaintiff fails to make such allegations. *Indiana Hi-Rail Corp. v. Decatur Junction Ry. Co.*, 37 F.3d 363, 366 n. 3 (7th Cir. 1994). Ross alleges the state of incorporation of LRM Holdings, Inc., the sole member of Gibco Motor Express, LLC, but not its principal place of business.

Furthermore, the amended complaint does not comply with Local Rule 15.1, which requires underlying of new material added in an amended pleading.

The Court hereby **ORDERS** that plaintiff Tyrone Ross shall have up to and including

April 20, 2012, to amend the faulty pleading to correct the jurisdictional defect. Failure to amend the faulty pleading may result in dismissal of this case for lack of subject matter jurisdiction or for failure to prosecute pursuant to Federal Rule of Civil Procedure 41(b).

Amendment of the faulty pleading to reflect an adequate basis for subject matter jurisdiction will satisfy this order. The plaintiff is directed to consult Local Rule 15.1 regarding amended pleadings and need not seek leave of Court to file such amended pleading.

**IT IS SO ORDERED.**

**DATED: April 5, 2012**

s/ J. Phil Gilbert  
**J. PHIL GILBERT**  
**DISTRICT JUDGE**